

II. DESCRIPTION OF SITE

Johns-Manville Sales Corporation ("Johns-Manville") owns and operates a facility on Greenwood Avenue in Waukegan, Illinois ("Waukegan facility"). The Waukegan facility was constructed beginning in 1919 and ending in 1923. Since it began operations, the Waukegan facility has produced a variety of building materials comprised of a variety of substances. In operating, waste was and is generated, consisting of such things as trim and rejects from the finished products and of materials unused in the manufacturing process. Included among the waste generated at the Waukegan facility over the years are hazardous substances as defined by Section 101 (14) of CERCLA, 42 U.S.C. §9601 (14), including asbestos, chromium, lead, xylene and thiram.

Much of the waste has been disposed of in the Waukegan facility's onsite disposal area ("Disposal Area"). The Disposal Area covers approximately 120 acres of land that was formerly marsh land. The Disposal Area presently consists of four general waste disposal areas - the friable asbestos disposal pit, the scrap disposal area, the wet waste basin system composed of a series of unlined settling basins, and the sludge disposal area.

While a precise volume of waste disposed at the facility cannot be ascertained due to the long history of operations and lack of records for the earlier years, it is estimated

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that nearly 600,000 tons of asbestos-containing waste and raw asbestos waste have been disposed of at the facility.

The Disposal Area is bordered on the west by the buildings erected at the Waukegan facility, on the south by Commonwealth Edison Company's Waukegan Station, on the east by Lake Michigan and on the north by the Illinois Beach State Park Lodge.

In December, 1973 and April, 1982, contractors for USEPA collected air monitoring data to determine the impact of asbestos disposal practices at the Waukegan facility on the ambient air. Based on the results of the air monitoring studies and uncertainties concerning possible surface and ground water contamination, the Disposal Area was included, over the objections of Johns-Manville, in the National Priorities List promulgated by USEPA on September, 8, 1983 as Appendix B to the National Oil and Hazardous Substances Contingency Plan, 48 Fed. Reg. 40658 (Sept. 8, 1983), and is a candidate for response action by USEPA under CERCLA.

The Regional Administrator, USEPA, has determined but Johns-Manville does not acknowledge that:

- (1) the Waukegan facility is a "facility" as defined in Section 101(9) of CERCLA;
- (2) Johns-Manville is a

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"person" as that term is defined in Section 101(21) of CERCLA; (3) "hazardous substances" as defined by Section 101(14) of CERCLA have been disposed at the Waukegan facility; (4) the release and threatened release of hazardous substances into the air, groundwater and surface water adjacent to the Waukegan facility constitutes a "release or threat of release" as that term is defined in Section 101(22) of CERCLA; (5) Johns-Manville is a "responsible person" within the meaning of Section 107 of CERCLA; (6) the actions to be taken pursuant to this Consent Order are reasonable and necessary to protect the public health or welfare and the environment; (7) a reasonable time period for beginning and completing the actions required by this Consent Order has been provided for; and (8) Johns-Manville has agreed to undertake the actions requested by the USEPA in this Consent Order.

The Signatories agree that the Work to be undertaken pursuant to this Consent Order is appropriate for determining the appropriate extent of response authorized by CERCLA and is not inconsistent with the National Oil and Hazardous Substances Contingency Plan, 40 C.F.R. Part 300 (1983).